



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

MAYER, BROWN, ROWE & MAW LLP
190 SOUTH LASALLE ST
CHICAGO IL 60603-3441

COPY MAILED

AUG 23 2004

In re Application of	:	OFFICE OF PETITIONS
Jeffery Owen Phillips	:	
Application No. 10/795,860	:	
Filed: July 12, 2004	:	DECISION ON PETITION
Attorney Docket No. 04242373	:	
Title: NOVEL SUBSTITUTED	:	
BENZIMIDAZOLE DOSAGE FORMS AND	:	
METHOD OF USING SAME	:	

This is a decision on the petition filed July 12, 2004.

On March 8, 2004, the above-identified application was deposited. On May 26, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date Not Granted (notice)", advising applicant that the application appeared to have been deposited without drawings, and that a filing date would be accorded upon the submission of the same.

On July 12, 2004, Petitioner submitted a "Response to Notice to File Missing Parts," along with Figures 1-5 and payment of the petition fee, which has been charged to Petitioner's Deposit Account as authorized in the petition. No arguments were made, no evidence was presented, and no mention was made of the desired filing date. As such, Petitioner has not explicitly stated what resolution he seeks.

It is noted that Petitioner has not alleged that the missing drawings were included on filing. In the absence of any discussion of an entitlement to the according of March 8, 2004 as the filing date, the Office must presume that the Petitioner accepts the date of deposit of the drawings as the filing date.

The petition is **GRANTED**.

The application file is being returned to OIPE for further processing with a filing date of July 12, 2004, the date of receipt of the formerly omitted items, Figures 1-5, using the original application papers filed March 8, 2004, as well as the five figures submitted with the instant petition on July 12, 2004. OIPE will then mail a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office